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Introduction

Thank you for the invitation to appear before you today. My name is Adam Sharp and I am the Associate Assistant Administrator for the Office of Prevention, Pesticides, and Toxic Substances at the Environmental Protection Agency (EPA). While I have only been with the Agency for two months, I have worked on pesticide issues for some time. Certainly the most profound change in pesticide regulation has been the 1996 passage of the Food Quality Protection Act (FQPA). I welcome the opportunity to discuss this law and bring you up-to-date on the Agency's activities in implementing this important piece of legislation.

What is FQPA ?

FQPA was developed based on a desire to establish a single food safety standard for both raw and processed food commodities, while also taking coverage of pesticide residues out of the scope of the so-called Delaney Clause. The new law reflected the desire of Congress to increase the protections, particularly for children, regarding potential dietary risks from pesticides, and to move the federal food safety system ahead scientifically.

The new health based safety standard embodied in FQPA calls for a reasonable certainty of no harm to human health. FQPA mandated that the Agency, as appropriate, utilize an extra ten-fold margin of safety for children. The legislation also introduced new rigorous, scientific criteria – such as aggregate exposure – to evaluate all possible routes of pesticide exposure together and new requirements to evaluate cumulative risk from exposure to multiple pesticides which share a common mechanism of toxicity.

When FQPA was passed, EPA had only limited experience with these new and groundbreaking scientific and regulatory requirements. FQPA significantly strengthened the safety standard for all pesticides used on food, and identified a set of complex scientific issues, which have

taken years to address.

Since enactment of FQPA, EPA has worked to implement the new requirements in a way that achieves the goals of reducing pesticide risks, particularly for children, while recognizing that it is essential that farmers continue to have the tools they need to provide the American public with a safe and abundant food supply. The Agency has followed several important principles in implementing FQPA, namely ensuring that we use sound science, that our actions are transparent, that we extensively consult with the public and other federal agencies, particularly with the U.S. Department of Agriculture (USDA), and that our decisions allow a reasonable transition for agriculture and for the important public health uses of pesticides, to adopt new pest management tools and techniques.

Key FQPA Accomplishments

EPA has had many successes in implementing FQPA. We have met deadlines established for the reassessment of pesticide tolerances (legal residue limits), taken significant actions to reduce pesticide risks in a reasoned and responsible manner, established greater communication with groups impacted by our decisions, and improved our coordination with the USDA on pesticide issues. To that end, EPA and USDA have established the Committee to Advise on Reassessment and Transition (CARAT) to strengthen the interaction with all our stakeholders. CARAT helps to ensure that our decisions are open, well understood, and take into consideration the input from all interested parties. In addition, EPA Administrator Christine Todd Whitman created a position on her immediate staff for a Senior Agricultural Advisor and appointed Jean Marie Peltier, who previously worked closely with California agriculture and was an experienced state regulator.

Despite the additional requirements imposed by FQPA, EPA has been able to maintain its pre-FQPA productivity in registering new pesticides and reduce the response time for emergency exemption requests. Working with USDA, we have significantly improved the data used to make decisions on the registration and reregistration of pesticides. We have also taken steps to make our reviews, and the science supporting them, more transparent for growers and the public. While it has been five and a half years since FQPA took effect, we have seen an increase in the registration of reduced-risk pesticides and risk mitigation for some existing pesticides.

Important Milestones in FQPA Implementation

Under FQPA, EPA is required to reassess some 9,700 existing tolerances to ensure that they meet the new safety standard. The Agency was given statutory deadlines for accomplishing these reassessments, the first of which was to reassess 33 percent of the existing tolerances by August 3, 1999. We met that goal, and anticipate meeting the next statutory goal, which is to reassess an additional 3,208 tolerances, or 33 percent, by August 3 of this year. EPA also settled a lawsuit by the Natural Resources Defense Council (NRDC), concerning the progress of reassessment and the priority we were giving to evaluating certain pesticides. We have met all the deadlines required by that

settlement to date, and we fully expect to continue to meet the future deadlines. Throughout tolerance reassessment and compliance with the NRDC deadlines, it is important to note that our decisions will continue to be fully supported by sound science and extensive stakeholder involvement. Sound science and the importance of protecting public health will continue to drive our decisions.

Cumulative Risk

As I mentioned earlier, FQPA requires several advances in the science supporting the regulation of pesticides. Perhaps no area is more complex than assessing cumulative risk, in which the Agency must consider concurrently the effects of multiple pesticides that act the same way in the human body. The concept of cumulative risk has been discussed by scientists for years, but FQPA required the Agency to actually apply it on an ongoing basis for specific pesticides which share a common mechanism of toxicity. After years of scientific work, the Agency has now developed a preliminary framework for conducting cumulative risk assessments. These new tools and methods were developed in consultation with independent scientific groups.

Recently, these methods have been used to conduct a preliminary cumulative risk assessment for organophosphate insecticides, which have been identified as one of the pesticide classes which share a common mode of toxicity. This preliminary assessment has recently been reviewed by independent scientists and released for public comment. We expect to incorporate the scientific recommendations, as appropriate, and publish an updated cumulative risk assessment for the organophosphates this Spring. This cumulative assessment is expected to be completed by the August 3 deadline.

Identifying Potential Non-Contributors

Currently, EPA is exploring the concept of whether there are tolerances that could be reassessed prior to August because they are known to make, at most, no more than a negligible contribution to cumulative risk. The Agency is currently developing a Federal Register notice that discusses the general criteria used in identifying non-contributors for chemical/crop combinations. We expect this notice to be published this Spring for public comment.

FQPA Implementation Principles

Through all of these activities, we have kept our implementation principles firmly in mind. We have applied the most stringent and exacting scientific standards to ensure that we take only those actions that are necessary and effective. We have worked hard to open up our processes for making decisions, and have allowed for public comment on preliminary decisions, so that those who may be affected have the opportunity to share relevant information and real experiences. We have sought input from the public and agencies, such as the Department of Health and Human Services and USDA, to bring differing perspectives and expertise to bear on our decisions. EPA is also working hard with

USDA to address the challenges of transition. It is important that EPA and USDA focus our efforts to develop a seamless and coordinated approach to ensure growers have the necessary pest control tools. I would also like to acknowledge the roles that states have played in reaching the agricultural community and in carrying out the decisions under FQPA.

Conclusion

It is a pleasure to be here today with USDA. Decisions on pesticides must be made within a full partnership between USDA and EPA. We recognize the very real impacts that our decisions can have on people who make their living through agriculture and USDA has played a vital role in coordinating our efforts with farmers and other pesticide users. Our decisions must fully protect public health and the environment, while being sensitive to the needs of agriculture.

EPA recognizes that it is important for us to have a full and open dialogue with all stakeholders. The Agency is listening carefully to the concerns of everyone as we proceed with FQPA. It is with these commitments, with everyone at the table, listening and learning, that we will successfully address the current and future challenges in implementing this important law.

Thank you for the opportunity to appear before you today. I will be pleased to answer any questions that you may have.